
By: **Chairman, Environmental Matters Committee (By Request -
Departmental - Assessments and Taxation)**

Introduced and read first time: January 21, 2004

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property - Expedited Recordation of Deeds and Instruments of Writing**

3 FOR the purpose of repealing the prohibition requirement against recording certain
4 instruments transferring real property in certain counties, under certain
5 circumstances, until the property granted is transferred on the assessment rolls;
6 requiring a clerk of the circuit court to refuse to record certain instruments of
7 writing under certain circumstances; authorizing the clerks of the circuit courts,
8 the Administrative Office of the Courts, the State Department of Assessments
9 and Taxation, and the local collectors of tax to formulate certain procedures;
10 providing for a delayed effective date; and generally relating to the process of
11 recording deeds and other instruments of writing in certain counties.

12 BY repealing and reenacting, with amendments,
13 Article - Real Property
14 Section 3-104(a) and (g)
15 Annotated Code of Maryland
16 (2003 Replacement Volume and 2003 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Real Property**

20 3-104.

21 (a) (1) [Except as provided in paragraph (2) of this subsection, a deed or
22 other instrument which effects a change of ownership on the assessment books under
23 the Tax - Property Article may not be recorded until the property granted is
24 transferred on the assessment books or records of the county where the property is
25 located to the grantee or assignee named in the deed or other instrument. When
26 submitting the deed or other instrument for transfer on the assessment books, the
27 person offering the deed or other instrument, on request, shall mail or deliver to the
28 person having charge of the assessment books, a statement of any building and
29 improvement on the property granted. When the property is transferred on the

1 assessment books, the person recording the transfer shall evidence the fact of transfer
 2 on the deed or other instrument. This endorsement is sufficient to authorize the
 3 recording of the deed or other instrument by the clerk of the appropriate court.

4 (2) (i) The provisions of this paragraph apply only in the following
 5 counties:

- 6 1. Baltimore County;
- 7 2. Carroll County;
- 8 3. Cecil County;
- 9 4. Charles County;
- 10 5. Dorchester County;
- 11 6. Harford County;
- 12 7. Howard County;
- 13 8. Montgomery County;
- 14 9. St. Mary's County;
- 15 10. Washington County; and
- 16 11. Worcester County.

17 (ii) The Clerk of the Circuit Court may record an instrument that
 18 effects a change of ownership if the instrument is:

19 [1.] (I) Endorsed with the certificate of the collector of taxes
 20 of the county in which the property is assessed, required under subsection (b) of this
 21 section; and

22 [2.] (II) Accompanied by:

23 [A.] 1. A complete intake sheet; and

24 [B.] 2. A copy of the instrument, and any survey, for
 25 submission to the Department of Assessments and Taxation.

26 [(iii)] (2) The Supervisor of Assessments shall transfer ownership of
 27 property in the assessment records, effective as of the date of recordation, upon
 28 receipt from the Clerk of the Circuit Court of a copy of the instrument, the completed
 29 intake sheet, and any survey submitted under [subparagraph (ii) of this paragraph]
 30 PARAGRAPH (1) OF THIS SUBSECTION.

31 (g) (1) This subsection does not apply to:

- 1 (i) An assignment of a mortgage or if presented for recordation, an
2 assignment of a deed of trust;
- 3 (ii) A release of a deed of trust or mortgage;
- 4 (iii) A substitution of trustees on a deed of trust;
- 5 (iv) A power of attorney; or
- 6 (v) A financing statement or an amendment, continuation, release,
7 or termination of a financing statement recorded in land records.

8 (2) Except as provided in paragraph (1) of this subsection, each deed or
9 other instrument affecting property and presented for recordation shall be
10 accompanied by a complete intake sheet, on the form that the Administrative Office of
11 the Courts provides.

12 (3) A complete intake sheet shall:

13 (i) Describe the property by at least one of the following property
14 identifiers:

15 1. The property tax account identification number, if any, or
16 in Montgomery County, any parcel identifier required under § 3-501 of this title, if
17 different from the tax account number;

18 2. The street address, if any;

19 3. If the property is a lot within a subdivided tract, the lot
20 and block designation, or in Baltimore City, the current land record block number;

21 4. If the property is part of a tract that has been subdivided
22 informally and there is neither an assigned tax account identification number for the
23 parcel nor a lot and block designation, then the street address, if any, or the amount
24 of acreage; or

25 5. If the property consists of multiple parcels, the
26 designation "various lots of ground" or the abbreviation "VAR. L.O.G.";

27 (ii) Name each grantor, donor, mortgagor, and assignor and each
28 grantee, donee, mortgagee, and assignee;

29 (iii) State the type of instrument;

30 (iv) State the amount of consideration payable, including the
31 amount of any mortgage or deed of trust indebtedness assumed, or the principal
32 amount of debt secured;

33 (v) State the amount of recording charges due, including the land
34 records surcharge and any transfer and recordation taxes;

1 (vi) Identify, by citation or explanation, each claimed exemption
2 from recording taxes;

3 (vii) For an instrument effecting a change in ownership, state a tax
4 bill mailing address; and

5 (viii) Indicate the person to whom the instrument is to be returned.

6 (4) An intake sheet may request any other information that the
7 Administrative Office of the Courts considers necessary in expediting transfers of
8 property or recording and indexing of instruments.

9 (5) A clerk may not charge any fee for recording an intake sheet.

10 (6) A clerk [may not] SHALL refuse to record an instrument [because]
11 IF it is not accompanied by an intake sheet or because it is accompanied by an intake
12 sheet not completed as required by paragraph (3) of this subsection.

13 (7) (i) An intake sheet shall be recorded immediately after the
14 instrument it accompanies.

15 (ii) The intake sheet is not part of the instrument and does not
16 constitute constructive notice as to the contents of the instrument.

17 (iii) The lack of an intake sheet does not affect the validity of any
18 conveyance, lien, or lien priority based on recordation of an instrument.

19 SECTION 2. AND BE IT FURTHER ENACTED, That the clerks of the circuit
20 courts, the Administrative Office of the Courts, the State Department of Assessments
21 and Taxation, and the local collectors of the taxes may formulate the procedure
22 governing recordation of instruments as authorized under this Act, so as to simplify
23 the procedures for recordation of instruments while ensuring the integrity of the land
24 and assessment records.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 January 1, 2005.